

REMARKS

Claim 28 has been amended to incorporate the limitations of claim 32 with the recitation of cream or ointment in view of the Examiner's statement that claim 32 contains allowable subject matter, and an inadvertent typographical error has been corrected in claim 28. Claim 32 has been canceled without prejudice to avoid redundancy over claim 28 as amended. It is believed that the present amendment places this application in condition for allowance. None of the amendments made herein constitutes the addition of new matter.

The Rejection under 35 U.S.C. 102

Claims 28 and 30-31 have been rejected under 35 U.S.C. 102(e) as allegedly unpatentable over Seitz et al. (US Patent 6,103,275). Applicants respectfully traverse this rejection.

In the interest of advancing prosecution and without acquiescing to the rejection, Applicants have amended claim 28 to incorporate the limitation of claim 32, which was indicated as containing allowable subject matter. The Seitz reference neither teaches nor suggests creams or ointments as therapeutic compositions.

In view of the amended claims language, Applicants respectfully request the withdrawal of the rejection.

Conclusion

Applicants respectfully submit that the pending claims are in condition for allowance and early notification thereof is requested.

If, in the interest of expediting prosecution, the Examiner has questions or comments, he is invited to telephone the undersigned at the indicated telephone number.

This Amendment is accompanied by a Petition for Extension of Time (three months), Request for Continued Examination and payment of the fees required by 37 C.F.R. 1.17(a)(3) and 37 C.F.R. 1.17(e). It is believed that this Amendment does not the payment of any additional fees under 37 C.F.R. 1.16-1.17. If this is incorrect, however, please charge any further fees due pursuant to the foregoing Rules to Deposit Account No. 07-1969.

Respectfully submitted,

/donnamferber/

Donna M. Ferber
Registration No. 33,878
Customer No. 23713

GREENLEE, WINNER AND SULLIVAN, P.C.
4875 Pearl East Circle, Suite 200
Boulder, CO 80301
Telephone (303) 499-8080
Facsimile: (303) 499-8089
Email: winner@greenwin.com
Attorney Docket No.: 14-06